

Training Module 1: Protection of Minors on Campus Policy

Examine UNC-Chapel Hill's policy on the Protection of Minors and its application to programs serving minors on campus.

April 2020



Disclaimer

This training module contains general guidelines and information. It is not intended to be a comprehensive summary or to address all possible applications of, or exceptions to, the topics described herein. Various scenarios and issues are covered, but please note that these are to be used as a tool for further guidance and do not represent an exhaustive list of possible scenarios and topics that Program Staff may encounter. This training module should not substitute for additional training to be provided by individual Covered Programs or for guidance on specific situations to be provided by administrators of Covered Programs.



Purpose

- The University of North Carolina at Chapel Hill (“UNC-Chapel Hill” or “University”) strives to create a welcoming and safe environment for all individuals visiting University property or participating in University programs.
- The Policy on the Protection of Minors (“Policy”) reinforces this expectation by establishing standards, requirements, and procedures that specifically focus on protecting the safety of individuals who are less than eighteen (18) years of age (“minors”) from abuse and neglect by a parent, guardian, caregiver, or staff of programs sponsored by or affiliated with the University.



Applicability

- All portions of the Policy apply to the protection of minors participating in programs sponsored by the University or held on University property, with the exception of students who are enrolled or matriculated at UNC-Chapel Hill (“enrolled students”).
- Enrolled students who are minors are covered by University policies applicable to students and applicable State laws involving the protection of minors and are not subject to the remaining requirements of this Policy.



Applicability (continued)

- Section IV of the Policy (“Reporting Suspected Child Abuse/Neglect”) applies to the protection of all minors (including enrolled or matriculated students) while present on University property.
- All contracts for the services of independent contractors (including solo contractors) who will have interactions with minors as part of a program or activity sponsored by a University department or conducted on University property by any approved third-party must include a provision that requires compliance with all of the provisions of the Policy.



Duty to Report*

- Both as a matter of University policy and North Carolina State law (14-318.6(b), any person 18 years or older (this includes the University Community) who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse under G.S.14-318.2 shall immediately report the case of that juvenile to the appropriate local law enforcement agency in the county where the juvenile resides or is found.
- The UNC-CH Police Department is the appropriate contact for all incidents or suspected incidents regardless of the residence of the minor involved.

*Signs of abuse, how, when, and where to report are discussed in detail in Training Module 3.



Obligations to Make Reports

- The obligation to make a report to a county DSS of suspected child abuse, neglect, or dependency is separate and independent from the obligation to make a report to local law enforcement.
- Depending on the facts, a report will need to be made to both agencies. You will be required to immediately report if a juvenile has been a victim of crime to UNC-CH Police Department. At that time it will be determined if you are required to make a second report to DSS.
- In addition, per UNC-CH Policy, you will make a report to the Protection of Minors Office.



Failure to Report

- A mandated reporter who knowingly or willfully fails to report or prevents another person from reporting is guilty of a Class 1 misdemeanor.
 - The entire UNC-CH Community is considered a mandatory reporter by law and Protection of Minors on Campus Policy.





Protection of Reporting Parties

- North Carolina law provides that a mandated reporter, however, who in good faith makes a report, cooperates with law enforcement investigation, or testifies in any judicial proceeding resulting from a criminal investigation is immune from any civil or criminal liability arising under state law.
- Furthermore, University policy prohibits retaliation against anyone who makes a good faith report of abuse or neglect with regard to the terms and conditions of University employment or educational activities.



Registration and Approval of Covered Programs (continued)

In order for a University program or activity to be permitted to serve minors, or for any outside third-party individual or organization to conduct a program that includes minors on University property (“Covered Programs”), the programs must be registered and approved by the University’s Coordinator for the Protection of Minors.

Contact Information:

Protection of Minors Program

Starr Barbaro Sanders, Coordinator
Protection of Minors on Campus



(919) 843-8995



protectionofminors@unc.edu



Registration and Approval of Covered Programs (continued)

Covered Programs include:

- Daytime and overnight/residential activities such as athletic camps, science camps, academic camps, enrichment programs, and similar activities intended for the benefit of minors.





Registration and Approval of Covered Programs (continued)

Covered Programs exclude:

- Externally-sponsored field trips or visits that bring minors to campus (e.g., school trips to Morehead Planetarium, campus tours, library visits, athletic events) and programs exclusively for UNC-Chapel Hill enrolled or matriculated students.
 - ***If the minor, with the exception of enrolled or matriculated students, is not accompanied by a parent or guardian to an excluded Covered Program, the exclusion does not apply, and the Covered Program must register and obtain approval under this Policy and continuously comply with all the Policy standards and requirements.***



Registration and Approval of Covered Programs (continued)

If a program is not in compliance with recommended national standard program operations or American Camp Association standards, additional approval will be made by the Vice Chancellor of the sponsoring Department. This applies to all programs including third-party and student organization programs.

If you are unsure as to whether your program complies, please contact the Protection of Minors Office.



Registration and Approval of Covered Programs (continued)

No University department or student organization may offer programs that serve minors and no third party may utilize University property to offer programs that serve minors without first obtaining approval under this Policy and continuously complying with all of the Policy standards and requirements.

To register your program contact the Protection of Minors Coordinator.

Contact Information:

Protection of Minors Program

Starr Barbaro Sanders, Coordinator
Protection of Minors on Campus



(919) 843-8995



protectionofminors@unc.edu



Registration and Approval of Covered Programs (continued)

Any Covered Program that is determined to have not complied with any provision of the University's Policy on the Protection of Minors is subject to immediate discontinuation of the Covered Program's operation and/or use of University property at the discretion of the University Coordinator and may also be banned from future use of University facilities.



Mandatory Background Checks

A background check must be completed for all individuals eighteen (18) years of age or older who work with, instruct, or otherwise come into Direct Contact with minors in a Covered Program (“Program Staff”), even if these individuals are volunteers.

Direct Contact vs Program Staff

- “Direct Contact” is defined as care, guidance, control, or supervision of minors in group or one-to-one settings or the potential for one-to-one interaction with minors.
- Program Staff also includes individuals who support Covered Programs and have Direct Contact



Mandatory Background Checks

(continued)

- This requirement applies to all University faculty, staff, students, or volunteers who will serve as Program Staff and have Direct Contact with minors and to all individuals employed by, contracted by, or volunteering for external entities operating a Covered Program who have Direct Contact with minors.
- These checks must be completed prior to a Program Staff member having any contact with minors as part of a Covered Program.
- A background check completed within the twelve (12) months prior to the start of the Covered Program will satisfy this requirement.
- In addition, all Covered Programs must collect and submit an annual notice of disclosure from Program Staff and must conduct an annual check of the state and national sex offender registries for all Program Staff.



Subsequent Background Checks

Program Staff generally must have subsequent background checks at least annually. There are two exceptions under which a Program Staff member may have subsequent background checks every five (5) years rather than annually.

Background Check Exceptions

1. The first exception applies to Program Staff who are also University employees or students and who are continuously employed by or enrolled in the University without any break in their employment or enrollment that lasts one hundred twenty (120) days or more.
2. The second exception is for Program Staff members continuously employed by or volunteering for third-party entities who do not have a break in employment or volunteer service that lasts one hundred twenty (120) days or more.



Minimum Background Check Requirements

UNC-Chapel Hill departments must satisfy these background check requirements by using the standard background check process operated by the University's Office of Human Resources ("OHR").

Background Check Requirement	Initial Check	Subsequent Annual Checks
Nationwide federal courts criminal convictions	Yes	<ul style="list-style-type: none">• Yes, every 5 year for continuously employed, enrolled, or engaged Program Staff.• Yes, annually for Program Staff with a break in employment, enrollment, or service of 120 days or more.
National and state sex offender registry	Yes	Yes



Minimum Background Check Requirements (continued)

Background Check Requirement	Initial Check	Subsequent Annual Checks
Criminal Convictions in all states and counties where a Program Staff member has previously lived or worked.	Yes	<ul style="list-style-type: none">• Yes, criminal convictions in all states and counties where a Program Staff Member has previously lived or worked since the prior check.• Yes, every 5 year for continuously employed, enrolled, or engaged Program Staff.• Yes, annually for Program Staff with a break in employment, enrollment, or service of 120 days or more.
A residential history check to confirm that a Program Staff member has truthfully disclosed all prior cities and counties of residence.	Yes	Not Required



Minimum Background Check Requirements (continued)

Background Check Requirement	Initial Check	Subsequent Annual Checks
If the proposed Program Staff member's responsibilities include transporting minors participating in the covered Program, then a mandatory driver's license check.	Yes	<ul style="list-style-type: none">• Yes, if the proposed Program Staff member's responsibilities include transporting minors participating in the covered Program, then a mandatory driver's license check.• Yes, every 5 year for continuously employed, enrolled, or engaged Program Staff.• Yes, annually for Program Staff with a break in employment, enrollment, or service of 120 days or more.

The cost of the required background checks is borne by the Covered Program.



Mandatory Background Checks

(continued)

- It is the responsibility of the programs operated by outside third-party entities to vet Program Staff.
- If the outside entity has questions or concerns about the results of any proposed Program Staff member's background check, the entity should consult its own human resources professionals or legal counsel for advice as appropriate.
- The University is not responsible for reviewing or interpreting background check results for outside entities.



Mandatory Background Checks

(continued)

- Notwithstanding the University's role and responsibility, or lack thereof, to review background check results, any proposed Program Staff member whose background check reveals prior criminal convictions that involve a sex offense (misdemeanor or felony), crimes against children (misdemeanor or felony), a serious violent crime involving assault or injury to others and/or an extensive criminal history, may not be employed in a Covered Program.
- Proposed Program Staff whose duties include driving and whose background checks reveal serious driving-related convictions may not be permitted to drive minors as part of their duties.



Mandatory Background Checks (continued)

- For programs sponsored by University departments, if proposed Program Staff are found to have prior criminal convictions, the departments must contact their assigned Employment and Staffing Consultant in OHR for assistance in reviewing these situations.
- For more information on the minimum requirements of the background check, please refer to the [Protection of Minors Policy Standard](#).





Notice of Disclosure/Sex Offender Registry

All Covered Programs must:

- Collect and submit an annual notice of disclosure from Program Staff
- Conduct an annual check of the state and national sex offender registries for all Program Staff.



Notice of Disclosure

To obtain a Notice of Disclosure send an email request to protectionofminors@unc.edu or download an electronic version of the [Notice of Disclosure](#)

Sex Offender Registry Check

Visit the links below to conduct sex offender registry checks.

1. [State Sex Offenders Registry](#)
2. [National Sex Offender Registry](#)



Juvenile Volunteers with Covered Programs

- Junior Counselors or Minors working in a capacity that is other than a minor participant in a Covered Program.
 - Background checks are not required (UNC-HR may have a requirement if it is part of a University Program).
 - They must be counted as a participant and be counted in the ratio of adult supervision.
 - They can lead activities and provide direction as long as they are always in the presence of an adult.
 - They cannot have care, control or custody of another minor.



Program Staff Training Requirements

Each Covered Program must assure that all Program Staff are appropriately trained on policies and issues relevant to the protection of minors.

Frequency of Training

This training must occur at least annually and must occur prior to any initial interactions with minors.





Program Staff Training Requirements (continued)

The management of a Covered Program may enhance and/or modify the University's training requirements to meet specific needs of the applicable program, but such training must include the following minimum components:

Minimum Training Component Requirements

1. The University's Policy on the Protection of Minors (program director)
2. Child Abuse Awareness and Reporting (yearly)
3. Emergency Response
4. Laboratory safety for minors (when applicable)
5. Protecting minors from abuse and bullying by peers (yearly)
6. Strategies for working with minors



Reporting Violations of the Policy

Reporting Violations

- Any suspected violation of the provisions of this Policy should be immediately reported to the University Coordinator for the Protection of Minors, who will consult with any other relevant University officials or offices (e.g., Title IX Coordinator, EOC Office, OHR, or UNC-Chapel Hill Department of Public Safety).
- After-hours and weekend reports of policy violations may be reported by calling the UNC-Chapel Hill Police Department at 919-962-8100 or, in the case of an emergency situation, by calling 911.
- Other individuals may also need to be notified based on other University or Department policies.



Reporting Violations of the Policy (continued)

Corrective Action

- Violations of this Policy may result in disciplinary action for any University employee, whether paid or volunteer, up to and including termination of employment.
- Violations of this Policy also may result in discontinuation of the program or banning of the program from use of University facilities.





Additional Requirements for Covered Programs

- Covered Programs will implement their own policies and training mechanisms that address the applicable “Pre-Camp Training Topics” identified by the American Camp Association.
- Additionally, Covered Programs will have policies to address instances of severe weather, swimming safety, lifeguard supervision, travel off premises, or other applicable situations where minors’ safety or security could potentially be threatened.
- Training for Program Staff in cardiopulmonary resuscitation (CPR), First Aid, and Automated External Defibrillator (AED) use is also strongly recommended.



Additional Requirements for Covered Programs

- Covered Programs must have a check-in/check-out policy and procedure that meets standards set by the American Camp Association or the Protection of Minors Office.
- Covered Programs, whose Minor participants will be participating on multiple days, and/or more than six (6) hours in a day, must collect and retain immunization records in a secure manner recommended by the American Camp Association or Protection of Minors Office. Please see the North Carolina Department of Health and Human Services' *Immunizations for Children* website for a list of recommended immunizations and exemptions.



Additional Requirements for Covered Programs

- Covered Programs, whose Minor participants will be participating on multiple days, and/or more than six (6) hours in a day, must have plans and procedures to collect, store and administer medications. EpiPens and asthma inhalers must remain with the Minor unless otherwise instructed by a parent/guardian. These plans and procedures must meet the standards set by the American Camp Association or Protection of Minors Office.
- Covered Program Staff with programs of eight (8) or more Minor participants must prominently distinguish themselves for easy identification at all times, when the Covered Program is operating. This can be accomplished by wearing Covered Program-issued lanyards, buttons or T-shirts.



Additional Requirements for Covered Programs

- Minor participants in Covered Programs must not be housed overnight in the same room with UNC Students or other adults. Minors being housed overnight will have a minimum overnight housing supervision ratio of:

Age of Minors	Supervision Ratio for Overnight Housing
5 years and younger	1 staff per 5 campers
6-8 years of age	1 staff per 6 campers
9-14 years of age	1 staff per 8 campers
15-18 years of age	1 staff per 10 campers





Additional Standards & Expectations

Program Audits

The University reserves the right to audit your program for policy compliance. You will be given adequate notice of an audit and a check list of what will be required.

Staff Conduct

Program Staff are expected to meet standards of conduct at all times to avoid harm or potential harm to minors or, regardless of intent, to avoid having their actions construed as any type of inappropriate behavior.



Frequently Asked Questions

Q: Who must comply with the Protection of Minors on Campus Policy?

A. All University faculty, staff, volunteers, interns and students, as well as outside third parties (including contractors) who are authorized to use University facilities or properties.

Q: What are the consequences for violating the Protection of Minors on Campus Policy?

A. Violations of the Policy may result in disciplinary action for any University employee, whether paid or volunteer, up to and including termination of employment.

Violations of the Policy also may result in discontinuation of the program or banning of the program from use of University facilities.



Frequently Asked Questions

Q: What is Direct Contact?

A. Direct Contact is defined as having one-to-one contact (personal, unsupervised interaction between any adult and minor participant without at least one other adult present), and/or contact with minors through care, guidance, control or supervision, and/or the time period is long enough to develop an intimate relationship with a minor.

Q: What is a full-time employee?

A. An employee who works thirty-two hours or more per week and has no break in service, not including vacations.

Q: What is a full-time student?

A. A student who has paid tuition and is enrolled as a full-time student with no break in attendance longer than 120 days.

Q: What is seasonal program staff?

A. Any program staff member, or student that has had a break in service or attendance longer than 120 days.



Frequently Asked Questions

Q: Who is exempt from background checks

A: Exemptions apply to:

- Volunteers, employees, or administrative staff who do not have direct contact with minors because they do not provide care, supervision, guidance or control of minors and do not have routine interaction with minors.
- Enrolled students volunteering for organizations which are not affiliated with the University and are not hosted on campus. For example, Boys and Girls Clubs of America. May be subject to the background check requirements of the non-affiliated organization.
- Student volunteers/hosts/guides for undergraduate admissions events where participants are enrolled students.
- Staff and volunteers working at events/facilities open to the public or where parents/guardians accompany minors.
- Staff and volunteers working in research projects with minors that have been reviewed and approved by the IRB. (Although we encourage policy compliance in regards to training as they are mandated reporters of suspected maltreatment.)
- Staff and volunteers hosting some campus tours, visitation programs or field trips where no overnight stay is required and there is no direct contact. Contact Office of Protection of Minors on campus to ensure your program is exempt.



Contact Information

Protection of Minors Program

Starr Barbaro Sanders, Coordinator
Protection of Minors on Campus



(919) 843-8995



protectionofminors@unc.edu



Protection of Minors on Campus Policy Training Certification

Date: _____

Program Name: _____

By signing this document, I agree that I have read and completely understand the responsibilities, policies and procedures outlined in is Training Module: Protection of Minors Policy. I agree to follow/adhere to all rules and expectations while performing my duties as a Program Director and/or Designated Program Individual.

Title

Designated Individual Signature

Please make a copy of the signed form for your records.